

Eureka Township
Dakota County
State of Minnesota

Eureka Townboard Meeting
August 11, 2003

Call to Order:

Chair Don Pflaum called the regular monthly meeting of Eureka Township to order at 7:01 PM. Present were Supervisors Don Pflaum, Dan Rogers, Kenny Miller, Connie Anderson, Mark Malecha and Clerk/Treasurer Nanett Leine.

The meeting opened with the Pledge of Allegiance.

Approval of Agenda:

A motion by Supervisor Kenny Miller: To approve the agenda as presented. Motion seconded by Supervisor Dan Rogers. Motion carried.

Minutes:

A motion by Supervisor Connie Anderson: To approve the Regular Townboard Minutes of July 14, 2003 with the following change: Page 4-Delete "under the hardship clause (6.5 Zoning Ordinance 20)" it should read: "under conditional use in the Agricultural District (7.53 of Zoning Ordinance 20.)" Motion seconded by Supervisor Mark Malecha. Motion carried.

A motion by Supervisor Kenny Miller: To approve the July 22, 2003 Special Meeting Minutes as presented. Motion seconded by Supervisor Connie Anderson. Motion carried.

Treasurer's Report

Treasurer Nanett Leine reported that there is \$80.05 in checking, \$71917.86 in the savings account and \$118,355.49 in savings (Former CD). Federal Tax liabilities are \$812.87. Building Inspection State Surcharge liabilities are \$500.00 and County Sewer Inspection liabilities are \$120.00.

Motion by Supervisor Connie Anderson: to approve the Treasurer's report. Motion seconded by Supervisor Kenny Miller. Motion carried.

Treasurer Nanett Leine presented the following bills for payment:

BeSure Inspection Services	Building and septic permits	\$14,473.53
Braun Turf Farms	Grading of Township Roads	\$7,179.78
Inspectron	Building and septic permits	\$515.09
Dakota Electric	Town Hall	\$8.32
Frontier Communications	Main+ Int.	\$81.08
	Office	\$40.83
Rivertown Newspaper Group	public hearing Kadlec	\$12.30
ECM Publishers	public hearing Kadlec	\$25.00
Lakeville Printing	newsletter	\$84.00
Dakota County Assessing Services	Labels newsletter	\$14.82
Murnane, Conlin, White & Brandt	attorney fees	\$2,665.52
Dust Coating Inc.	Cloride applied 6/16/03 1290 gal @ .58	\$487.20
Nanett Leine	payroll 7/1 to 7/31/03	\$1,017.59
	Expenses	\$237.17
PERA	Auto Payment	\$123.43
Erik Leine	Mowing Townhall 7/16/03	\$20.00
Connie Anderson	Expenses	\$233.90
Butch Hansen	Refund CUP Application	<u>\$100.00</u>
TOTAL BILLS FOR JULY		\$27,319.56

There was discussion on Inspectron's bill. See attached letter written to Inspectron explaining the deduction of the \$85.28.

A motion by Supervisor Kenny Miller: To approve all the bills, with a deduction of \$85.28 to Inspectron's bill, with an appropriate explanation of the difference in payment to Inspectron. Motion seconded by Supervisor Mark Malecha.

Supervisor Kenny Miller amended his motion to address Inspectron's bill only. Supervisor Mark Malecha accepted the amended motion. Motion carried.

Contractor time was addressed as part of bills

The Townboard reviewed the road grading invoice presented by Braun Turf Farms for July. Some of the grading times were questioned; particularly the grading time on 235th St. (4.5 hrs for a 1 mile road.) Mr. Braun stated that he does not do the grading himself, he will check with his road grader operator. The Townboard asked to list on the bill- the location and type of garbage that is picked up. The tree picked up on Hamburg has not been disposed of. The grading schedule was followed.

A motion by Supervisor Mark Malecha: To approve the bills. Motion seconded by Supervisor Connie Anderson. Motion carried.

Approval of July receipts

The following receipts were presented to the Township in July:

• <u>Septic permits</u>			
Steve Odell	\$280.0		
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• <u>Building Permits</u>			
Donovan Palmquist	\$5980.69		
Dan Fritz	\$129.00	Loren Hoppe	\$875.03
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• <u>Pole sheds and pole shed additions</u>			
Zumbach	\$50.00	AirLake Flyteline Services	\$208.00
			\$50.00
• <u>Dakota County current tax distribution</u>			\$149,129.39
Total Receipts			\$2,338.27

A motion by Supervisor Connie Anderson: To accept the July receipts as presented. Motion seconded by Supervisor Kenny Miller. Motion carried.

Roads

Mowing of the Ditches

The ditches need to be mowed. The noxious weeds need to be taken care of. Supervisor Mark Malecha will contact Clear Kut about mowing the ditches and Dale Kuchinka about the noxious weeds in the bottom of the ditches.

Planning Commission Land use permits and Related Items:

C. Planning Commission Meeting

A motion by Supervisor Connie Anderson: to amend the agenda, when the building inspector arrives that 7A. Building Inspector business will be addressed. Motion seconded by Supervisor Dan Rogers. Motion carried.

A motion by Supervisor Kenny Miller: To discuss 7B: when the building Inspector is present. Motion seconded by Supervisor Connie Anderson. Motion carried.

Consent agenda items for Planning Commission:

- 3. Jeff Lee- 6145 235th St.. Farmington. Requested a permit to build a 50' x 96' pole building.
Building Permit No. 03-010 \$1,213.79
- 4. John Strunk- 7985 257th St. W. Farmington. Requested a permit to build a 36' x 60' pole shed for Ag. Use.
Building Permit No. 000977 \$50.00

A motion by Supervisor Mark Malecha: To approve the consent agenda items as presented. Motion seconded by Supervisor Kenny Miller. Motion carried.

- 1. Chad Quigley- 26120 Dodd Blvd, Lakeville requested a permit to build a home in section 30, property ID#13-03000-010-27. Mr. Quigley does not own the property. The land transfer has not taken place. The lot does not have road frontage, an easement would be needed to access the property. Ordinance No. 20 requires 250' of road frontage. The Townboard needs to get legal

interpretation of the proposed site. The attorney's opinion will be reviewed at the September 8th, 2003 Townboard meeting.

2. Glen and Helene Heintz- 5092 225th St. W. Farmington requested a permit to build a 40' x 30' attached garage. A Shoreland permit will be granted by the county upon completion of a new septic system.

A motion by Supervisor Mark Malecha: To approve subject to the septic system being installed. Motion seconded by Supervisor Dan Rogers. Motion carried.

A. Building Inspector

1. Building Inspector, Bob Hegner and the Townboard discussed the planning commissions recommended \$25 application fee for all permits, except ag pole building permits \$50 fee. Bob recommended: A Principle structure application fee of \$50.00. Additional structures, such as garages, pole sheds, additions, etc. at \$25.00. The application fee would help cover costs involved in processing the applications and help cover educational costs for planning and Townboard members.

A motion by Supervisor Mark Malecha: To set the application fee structure for the principle structure at \$50, each additional structure at \$25.00. Motion seconded by Supervisor Connie Anderson. Motion carried.

2. Non-ag and commercial ag buildings need to follow State Building Codes. The determination of Commercial ag buildings will be determined on a case by case basis.

D. Conditional Use Permits

Ray and Phillip Kadlec- 6605 245th St. Farmington. The public hearing for Kadlec's CUP was held on August 4, 2003. The Townboard reviewed the minutes from the public hearing.

The Townboard asked Ray if he was comfortable with a CUP.

The Townboard suggested that the new house be built on the separate parcel, owned by Mr. Kadlec (property ID#13-01500-012-02). If this parcel was registered before April 12, 1982, then it would be buildable. This parcel does not have road frontage, since Ray owns adjacent property with the road frontage, then it would be deemed buildable.

The Townboard advised that a CUP would carry a lot of restrictions.

A motion by Supervisor Connie Anderson: That Kadlec's CUP request be tabled until the September 8th Townboard meeting, with further discussion regarding the issue at that time.

Motion seconded by Supervisor Mark Malecha. Motion carried.

Envisioning Committee's Report- 8:30pm

Mike Greco, chair of the Envisioning Committee presented the Townboard with the committee's final report. He briefly explained the report.

A special meeting between the Townboard and the Envisioning Committee was set for September 2, 2003 immediately following the Planning Commission Meeting, to discuss the report.

Commercial Task Force

Ken DeMaster reported on the commercial task force's activity. He presented the Townboard with a list of questions from the task force. The Townboard discussed what they are looking for in a final report. The Townboard asked for the committee's recommendation, to include pro's and cons of different situations and next steps to resolve issues, to be presented at the October Townboard meeting.

Commissioner Harris

A motion by Supervisor Mark Malecha: To amend the agenda, to take comments from Commissioner Harris. Motion seconded by Supervisor Connie Anderson. Motion carried.

Commissioner Harris updated the Townboard on issues before the commission, including the Vermillion Water shed and road turn back issues. The 265th street bridge was discussed. There are no State dollars available at this time. The Townboard stressed that the bridge being closed is a safety issue.

There were citizen comments on the condition of the county portion of gravel roads in the township, Highview and 267th Street. They are in poor travel condition.

E. Other Business related to zoning issues

1. Alan Bachman- wetland project

Brian Watson, SWCD presented the Townboard with an overview of the grading plan for the wetland project. He opened the floor to questions and comments.

Brian will draft the permit to be signed.

A motion by Supervisor Connie Anderson: to approve the grading plan for the wetland project, including a silt fence on the downside of the burm and the landowner is responsible for all applicable local, State and Federal permits. Motion seconded by Supervisor Kenny Miller. Motion carried.

2. Jonathon Hoes

The township has received a complaint against Jonathon Hoes by 6 township residents; the complaint stated that he has junk cars on his property and is not following the rules under Ordinance No. 3.

A motion by Supervisor Connie Anderson: To direct the building inspector to verify the written complaint that was received at the August 11, 2003 Townboard meeting regarding Jonathon Hoes's property. Motion seconded by Supervisor Dan Rogers. Supervisor Connie Anderson rescinded the motion.

A motion by Supervisor Connie Anderson: Two Townboard members follow up on the complaint; they will inspect Jonathon Hoes property, upon the inspection, if the two board member feel it is necessary a letter will be drafted and be sent to Mr. Hoes asking him to attend the next Townboard meeting, September 8, 2003. Motion seconded by Supervisor Kenny Miller. Motion carried.

Supervisor Kenny Miller and Supervisor Connie Anderson will inspect Mr. Hoes property.

A motion by Supervisor Mark Malecha: To extend the meeting ½ hour. Motion seconded by Supervisor Connie Anderson. Motion carried.

3. Mark J. Malecha/ Dave and Mary Malecha

For informational purposes: Mark J. Malecha applied for a building permit on January 6, 2003, he owned the property at that time. The permit was issued to Dave and Mary Malecha on July 28, 2003. The property has been transferred into Dave and Mary's name.

4. Bachman's additional sq ft to building permit

Bachman's Nursery- 6877 235th St, Farmington took out a building permit on July 17, 2003 for an addition to a pole shed. Due to the unforeseen addition of a handicap accessible bathroom, the building increased in size. An additional building permit fee was charged.

Permit No. 03-005.1 for \$482.06

Roads

Ditch work at Denmark Ave. and 245th St.

Supervisor Mark Malecha reported that the ditch on 245th street needs to be cleaned out, it has filled with dirt. Dave Cook is willing to clean out the ditch. He would use the dirt to reshape his yard, hopefully preventing this from happening again in the future. Clerk/Treasurer Nanett Leine will check with the insurance company about a waiver of liability, for volunteer work.

Township road work projects

The Townboard reviewed the quotes for road projects.

Quote 1- 1 mile 225th St. Essex to Denmark. 4" (3" packed) MnDot Class 5 Limerock
2 quotes- Kramer and Sons \$5.54 and Solberg Aggregate at \$5.06 per ton.

A motion by Supervisor Mark Malecha: For Quote #1 to accept Solberg Aggregate quote for limestone at \$5.06/ ton, hauled by Malecha Trucking. Motion seconded by Supervisor Dan Rogers. Mark Malecha called the question. Supervisor Kenny Miller abstained. Motion carried.

Quote 2- Fairgreen Ave. MnDot Class 5 Modified gravel 6" loose 8-12 binder 200 sieve.

Kraemer and Sons \$5.35- gravel only and Solberg Aggregate \$6.20/ ton delivered.

A motion by Supervisor Mark Malecha: For Quote #2 to accept Solberg Aggregate quote at \$6.20/ ton delivered. Motion seconded by Supervisor Connie Anderson. Supervisor Kenny Miller abstained. Motion carried.

Quote 3- Fairgreen Ave. south of 235th St., Highview Ave south of 267th St., Ipava Ave south of 267th St. and Jamaica Ave. North of 280th St. 3" loose (2" packed) MN Dot Class 5 Modified Gravel approx. 1.7 miles total.

A motion by Supervisor Mark Malecha: For Quote #3 to accept Solberg Aggregate bid of \$6.20/ ton delivered. Motion seconded by Supervisor Dan Rogers. Supervisor Kenny Miller abstained. Motion carried.

Quote 4- 245th St. Dodd to Scott County border 3" loose (2" packed) Mn Dot Class 5 Modified gravel.

A motion by Supervisor Mark Malecha: For Quote #4 to accept Solberg Aggregate bid of \$6.20/ ton delivered. Motion seconded by Supervisor Connie Anderson. Supervisor Kenny Miller abstained. Motion carried.

All quotes must be kept on file for 1 year.

A motion by Supervisor Kenny Miller: To order the road contractor to collect the tickets daily, to submit them to the board. The road contractor pulls random samples of the material for testing every 1000 tons. Motion seconded by Supervisor Dan Rogers. Motion carried. Supervisor Mark Malecha will collect the tickets and samples from the road contractor.

Tiling project: Fairgreen Ave.

The following quotes were received:

Ellingson Drainage- 1000' 4" perf. tile at \$1.20/ foot.

Malecha Tiling and Trenching 1700' 4" perf. tile at \$1.00/ foot.

Curtis Benson & Sons- 5" p.p.tile at 1.086/ foot.

A motion by Supervisor Mark Malecha: To accept Malecha Tiling and Trenching quote of 1700 feet of tiling for the Fairgreen project. Motion seconded by Supervisor Connie Anderson. Motion carried.

225th Street project- need to do more research on the amount of mat needed to complete the project. There was discussion that a mat might not be the best way to handle the problem.

A motion by Supervisor Kenny Miller: To address the portion of 225th between the bridge and Essex Ave as a separate maintenance issue. To allow Chair Don Pflaum to communicate with the County and or State to changes to the road. Motion seconded by Supervisor Mark Malecha. Motion carried.

Butch Hansen asked if there is anything that can be done about the semi traffic on Dodd Blvd, the South end of the Township. It is a County road. The County would need to be contacted on this issue.

Old Business

A. Terri Petter- follow up on building permit

Terri Petter was not present.

A motion by Supervisor Mark Malecha: To lay to rest Terri Petter's outstanding building permit balance. Motion seconded by Chair Don Pflaum.

Discussion followed. The Townboard felt that the calculation error was a township's fault, that correct documents were presented. The Townboard decided not to pursue trying to collect the balance owed. Vote was taken, the motion carried.

D. Mining renewals- Storlie Mine/ State Annual report, Pollution Control Agency

The Township has not received the reports from the State; this item will remain on the agenda as an informational piece until the report has been received.

E. Road Ditch/ Culvert problem: Bob Glass- 8171 267th St. Farmington

There has been no follow up.

F. Townhall

The Township attorney has reviewed the Town hall land gift information. The Attorney is looking for direction from the Townboard, whether to draft an agreement to get the land transfer underway.

A motion by Supervisor Kenny Miller: To authorize the attorney to complete the

transaction. Motion seconded by Supervisor Connie Anderson. Motion carried.

New Business

A. Consent Agenda

The Townboard decided not to make any changes at this time.

B. District 4 Meeting

A motion by Supervisor Connie Anderson: To authorize Clerk/Treasurer Nanett Leine to attend the District 4 meeting in St. Peter. Motion seconded by Supervisor Dan Rogers. Motion carried.

C. Copy request

Eureka businessmen's association has requested copies of all documents received from the Eureka Township previous attorneys. MAT attorney advises that there is attorney, client privilege and that all documents should not be made public. He advised to check with the township attorney before turning over any files.

A motion by Supervisor Kenny Miller: to have a locksmith change the lock on the safe, to keep the lawyer material. Motion seconded by Chair Don Pflaum. The vote was taken, the motion failed.

A motion by Supervisor Connie Anderson: to have Clerk/Treasurer Nanett Leine take the files from Le Vander, Gillen & Miller to the township office, to deliver them tomorrow to the new attorney's office, along with a letter drafting the question to the new attorney on what we can release upon the request from the Eureka Business Owners Association letter dated August 4, 2003. Motion seconded by Supervisor Dan Rogers. Motion carried.

A motion by Supervisor Kenny Miller: To review the attorney files from Severson, Sheldon, Dougherty and Molenda. Tuesday, September 2, 2003 following the meeting with the Envisioning Committee. Motion seconded by Supervisor Connie Anderson. Motion carried.

Other Business

Clerk / Treasurer Presentation

See attached sheet for information presented to the Townboard for informational purposes.

Set Comp/ Ordinance Meeting date

September 9, 2003 7:00 pm.

A motion by Supervisor Mark Malecha: To adjourn. Motion seconded by Supervisor Kenny Miller. Motion carried. Meeting Adjourned at 11:40 pm.